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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,194	04/20/2001	Jeremy P. Clifford	05793.3026-00	1551

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
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EXAMINER

GREIMEL, JOCELYN

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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12/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/838,194	Applicant(s) CLIFFORD ET AL.	
	Examiner Jocelyn Greimel	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 September 2007 has been entered.

Status of Claims

Claims 1-30 are currently pending. Claims 17, 19 and 21 are currently amended. Claims 22-30 are newly added. Claims 1, 6, 11, 22, 25 and 28 are independent claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The Examiner would like to note that Applicant's argument regarding whether Walters qualifies as prior art and the related declarations under 37 C.F.R. § 1.131 were reviewed. However, the arguments are moot in view of the new grounds of rejection and were not considered.

Claim Objections

Claim 26 is objected to because of the following informalities: claim 26 depends from claim 26. The Examiner has interpreted claim 26 as best understood by the Examiner (as if it depends from claim 25). Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (US Patent No. 5,970,478). In reference to claims 1, 6, 11, 22, 25 and 28, Walker discloses a method, system and computer readable medium for customizing a financial account product for an applicant comprising: receiving account preference information from the applicant, the account preference information describing the applicant's preferences concerning various features of the financial account product; recommending at least one first financial account product to the applicant based on the received account preference information; providing to the applicant a plurality of selectable options and/or an unselectable options for further defining predetermined features of the recommended financial account product; receiving the applicant's selected options for the predetermined features of the recommended financial account product; and customizing the recommended financial account product based on the

applicant's selected options (col. 2, line 56; col. 3, line 45 – col. 4, line 49; col. 5, line 39 – col. 6, line 55; col. 8, line 22 – col. 9, line 1+).

2. In reference to claims 2, 7 and 12, Walker discloses a method, system and computer-readable medium, wherein the predetermined features of the recommended financial account product selectable by the applicant comprise: at least one of the following: an annual percentage rate associated with the financial account product, a fee structure associated with the financial account product, and a credit limit associated with the financial account product (col. 5, line 39+).

3. In reference to claims 3, 8 and 13, Walker discloses a method, system and computer-readable medium, wherein providing to the applicant a plurality of selectable options, includes: permitting the applicant to prioritize each of the plurality of predetermined features; and customizing the recommended financial account product based on the applicant's prioritization of the predetermined features (col. 5 – col. 6).

4. In reference to claims 4, 9 and 14, Walker discloses a method, system and computer-readable medium, wherein providing to the applicant a plurality of selectable options includes: determining, for a first predetermined feature, the value of the selectable option for the first predetermined feature based on an option selected by the applicant for a second predetermined feature of the recommended financial account product (col. 5 - col. 8).

5. In reference to claims 5, 10 and 15, Walker discloses a method, wherein recommending the first financial account product includes: recommending the first financial account product to the applicant based on the received account preference information and based on information contained in an application submitted by the applicant (col. 5, line 39+).

6. In reference to claims 16-21, Walker discloses a method, system and computer readable medium for customizing a financial account product for an applicant comprising:

a. wherein the received account preference information from the applicant includes at least one of the following: information reflecting how often the applicant carries a balance for other types of financial account products, information regarding typical uses of current financial account products held by the applicant, and information reflecting one or more desired financial product features that most appeal to the applicant;

b. wherein the information regarding the one or more desired features that most appeal to the applicant includes at least one of the following: online shopping, warranty protection, replacement of less lost, stolen or damaged items, travel assistance services, ability to select a look of a new card associated with the financial account product, a payment due date, and additional authorized

users associated with the financial account product (col. 5, line 39 – col. 6, line 55; col. 8, line 22 – col. 9, line 1+).

7. In reference to claims 23-24, 26-27 and 29-30, Walker discloses a method, system and computer readable medium for customizing a financial account product for an applicant comprising:

- c. wherein the at least one unselectable option includes an option for the applicant to provide a value;
- d. wherein the value corresponds to at least one of the predetermined features (col. 5, line 39 – col. 6, line 55; col. 8, line 22 – col. 9, line 1+).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST.

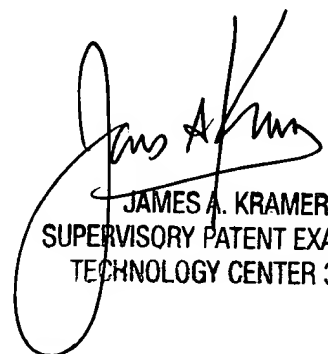
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
December 4, 2007

 12.10.07
JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600